

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

**IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE
LITIGATION**

MDL No. 1456

CIVIL ACTION: 01-CV-12257-PBS

Judge Patti B. Saris

**THIS DOCUMENT RELATES TO
ALL CLASS ACTIONS**

AFFIDAVIT OF WISCONSIN CITIZEN ACTION

I, Darcy Haber, under the penalty of perjury, hereby declare as follows:

1. I am the Health Care Campaign Director for Wisconsin Citizen Action ("WCA"). WCA is Wisconsin's premier public interest organization, dedicated to social, economic and environmental justice. WCA has approximately 72,000 individual members and unites two hundred affiliates in the fight for a common agenda concerning a variety of issues facing Wisconsin citizens. In particular, WCA is very active in fighting for access to quality, affordable health care for every Wisconsin resident including affordable prescription medication. Both individual and organizational members of WCA pay annual dues.

2. WCA's affiliates included the state's leading labor, senior citizen, environmental, community, religious, family farm, teacher, people of color, and Native American groups including: AARP-Wisconsin, Wisconsin State AFL-CIO, Wisconsin Education Association Council, Wisconsin Environmental Decade, Coalition of WI Aging Groups, Wisconsin Council of Senior Citizens, Interfaith Conference of Greater Milwaukee, WI

Farmers Union, and the Menominee Indian Tribe of Wisconsin. WCA brings the full weight of our collective memberships to bear on the public policy process.

3. A major concern of WCA is the overcharging for prescription drugs by the pharmaceutical industry. This problem is particularly acute among senior citizens in our state.

4. WCA is dedicated to effective legislative advocacy for the improvement of the quality of life for Wisconsin citizens and their families, especially around issues of affordable healthcare.

5. WCA includes members who are Medicare beneficiaries and who have made co-payments, based on AWP, for pharmaceuticals. WCA also includes members who are not covered by healthcare insurance of any kind and who pay cash for some or all of their prescription medications.

6. WCA is involved in the Pharmaceutical Average Wholesale Price litigation on behalf of our membership in order to fight against the abusive practices employed by pharmaceutical manufacturers to arbitrarily inflate the "average wholesale price" of prescription drugs covered by Medicare Part B and many others not covered by Medicare. We also join because this practice determines why certain drugs are prescribed more often than others and directly impacts the health care received by our members.

7. During the Class Period, WCA's members paid for drugs that had AWP-based transaction prices.

8. WCA appears in this action for purposes of seeking declaratory, injunctive and other non-monetary relief pursuant to 28 U.S.C. §§ 2201, 2202 § 16 of the Clayton Act and any other applicable statute.

9. WCA has been actively involved in the prosecution of this litigation and has enlisted the assistance of skilled and experienced class action counsel. WCA's interests are not antagonistic to the interests of the members of the proposed Class.

10. WCA does not have the economic ability or incentive to prosecute a case of this magnitude individually against such well-financed defendants and therefore believes that a class is a superior device.

A handwritten signature in black ink, appearing to read 'D. Haber', is written over a horizontal line.

Darcy Haber
Health Care Campaign Organizer